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06/09/04

DAC IFW

Attorney's Docket No. 5576-157

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Fukumoto et al.
Application Serial No.: 10/800,160
Filed: Concurrently Herewith
For: Mating Disruption Agent and Method of Mating Disruption

June 8, 2004

Office of Patent Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of March 12, 2004 rather than March 15, 2004 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of March 12, 2004 being the correct filing date for the application, which was properly filed under 37 C.F.R. § 1.10:

1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 3;
2. A true and accurate copy of the Express Mail Receipt along with a copy of the USPS-Track & Confirm from the web page (www.usps.com), showing "acceptance" or deposit date with the USPS at 5:42 p.m. on March 12, 2004; and
3. A true and accurate copy of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of March 15, 2004 instead of the Express Mail date of March 12, 2004.


This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of March 12, 2004 as the filing date pursuant to 37 CFR § 1.10.

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Fukumoto et al.
Serial No.: 10/800,160
Filed: March 12, 2004
Page 2 of 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

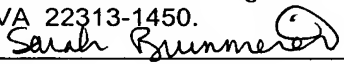
Respectfully submitted,


Karen A. Magri
Registration No. 41, 965

Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EV381443027US Date of Deposit: June 8, 2004
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Sarah Brunmeier



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ATTY DOCKET NO.: 5576.157
DATE: March 12, 2004
UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application
Serial No. _____, filed _____
☒ which claims the benefit of Japanese Application No. 2003-069102, filed March 14, 2003.

Inventor(s) or Application Identifier:

Name: Takehiko Fukumoto,
c/o Specialty Chemicals Research Center, SHIN-ETSU CHEMICAL CO., LTD.
28-1, Nishi-Fukushima, Kubiki-mura, Naka Kubiki-gun, Niigata-ken, Japan

Name: Tatsuya Hojo
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Name: Noboru Aiba
c/o Specialty Chemicals Research Center, SHIN-ETSU CHEMICAL CO., LTD.
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Chiyoda-ku, Tokyo, Japan

Name: Fumiaki Mochizuki
c/o Specialty Chemicals Research Center, SHIN-ETSU CHEMICAL CO., LTD.
28-1, Nishi-Fukushima, Kubiki-mura, Naka Kubiki-gun, Niigata-ken, Japan

Entitled: *Mating Disruption Agent And Method of Mating Disruption*

Correspondence Address:

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Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 12 Pages of Specification (including 3 claims)
3. ☐ sheet of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☒ newly executed (*original or copy*)

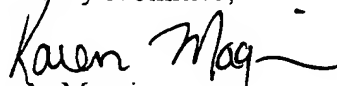
- b. ☐ copy from prior application (37 CFR 1.63(d) (for continuation/divisional) [Note Box 6 Below]
c. ☐ DELETION OF INVENTOR(S) (Signed statement deleting inventor(s) named in the prior application)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (useable if box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
7. ☐ Microfiche Computer Program (Appendix)
8. ☒ Assignment papers (cover sheet(s) and document(s))
9. ☐ Applicant claims small entity status. See 37 CFR 1.27.
10. ☒ Information Disclosure Statement, PTO-1449, and 3 references cited
11. ☒ Preliminary Amendment (Please enter all claim amendments prior to calculating the filing fee.)
12. ☐ English Translation Document
13. ☒ Certified Copy of Japanese Application No. 2003-069102
14. ☐ Sequence Listing/ Sequence Listing Diskette
a. ☐ computer readable copy
b. ☐ paper copy
c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
17. ☐ Other:

The fee has been calculated as shown below:

	Column 1 No. Filed	Column 2 No. Extra	Small Entity Rate Fee	Large Entity Rate Fee
BASIC FEE			\$385.00	\$770.00
TOTAL CLAIMS	3 - 20 =	0	x 09 = \$ 0.00	x 18 = \$0.00
INDEP CLAIMS	1 - 3 =	0	x 42 = \$ 0.00	x 84 = \$0.00
<input type="checkbox"/> MULTIPLE Dependent Claims Presented			+ 140 = \$	+ 280 = \$
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☒ A check in the amount of \$810.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
☐ Please charge my Deposit Account No. 50-0220 in the amount of \$0.00.
☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
a. ☒ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
b. ☒ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

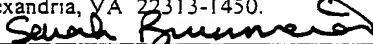

Karen A. Magri
Registration No. 41,965

Attorney Docket No. 5576
March 12, 2004

CERTIFICATE OF EXPRESS MAILING

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Sarah Brunmeier

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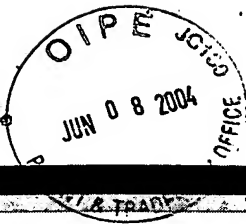
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- ENROUTE, March 12, 2004, 7:28 pm, RALEIGH, NC 27623
- ACCEPTANCE, March 12, 2004, 5:42 pm, RALEIGH, NC 27612

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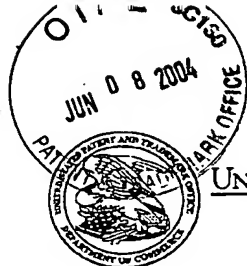
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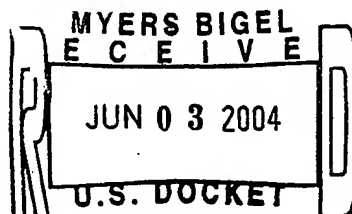


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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/800,160	03/15/2004	1616	770	5576.157		3	1

20792
MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH, NC 27627



CONFIRMATION NO. 9070

FILING RECEIPT



OC000000012827861

Date Mailed: 06/01/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Takehiko Fukumoto, Niigata-ken, JAPAN;
Tatsuya Hojo, Niigata-ken, JAPAN;
Noboru Aiba, Niigata-ken, JAPAN;
Kouichi Ogura, Tokyo, JAPAN;
Fumiaki Mochizuki, Niigata-ken, JAPAN;

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2003-069102 03/14/2003

If Required, Foreign Filing License Granted: 05/31/2004

Projected Publication Date: 09/16/2004

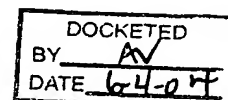
Non-Publication Request: No

06-03-04 A09:24 IN

Early Publication Request: No

Title

Mating disruption agent and method of mating disruption



Preliminary Class

424

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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